IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 285 of 1999

in

SPECIAL CIVIL APPLICATION No 8106 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JI ANTANI

Versus

PATEL KARSHANBHAI DHANABHAI

Appearance:

MR MI MERCHANT for Appellant

MR MB GANDHI for Respondent No. 1

MR BHARAT B KANSARA for Respondent No. 1

RULE SERVED for Respondent No. 2-5

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 29/06/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Heard the learned counsel for the parties. The learned counsel for the parties agree that by efflux of time and the subsequent events taking place in the matter, this appeal, arising out of the order dated 4th February, 1999 passed by the learned Single Judge of this court in Special Civil Application No.8106 of 1998, has become infructuous, more particularly, when the directions issued by the learned Single Judge in his order are already complied with. Not only that, the directions issued by the Division Bench of this court in another Letters Patent Appeal No.217 of 1999 dated 15th March, 1999 are also complied with. In view of the above, this appeal does not survive and accordingly it is dismissed as having become infructuous.

2. Before parting, we must state that this appeal is dismissed as having become infructuous without considering the contention of Mr. Merchant for the appellant that the Deputy Charity Commissioner has powers under Section 73(d) of the Bombay Public Trusts Act, 1950. We allow this contention to be decided in an appropriate case.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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